

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

PAUL MARRIOTT, also known as  
RICHARD LEWIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Nos. 2:97-CR-33-RLJ  
2:13-CV-172-RLJ

**ORDER**

Paul Marriott (“Petitioner”) brings this expedited motion to correct, set aside, or vacate his sentence under 28 U.S.C. § 2255, claiming that his sentence, which was issued prior to *Apprendi v. New Jersey*, 530 U.S. (2000), was enhanced by a drug quantity found by a judge, and not by a jury beyond a reasonable doubt, and that the increase in his sentence was unlawful, under the holding in *Alleyne v. United States*, 133 S. Ct. 2151 (2013). Petitioner filed a previous § 2255 motion in this Court, attacking the same convictions, and his motion was denied [Docs. 160 and 176 in the underlying criminal case, 2:97-CR-33].

Thereafter, Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, which was dismissed when the United States Court of Appeals for Sixth Circuit denied Petitioner authorization for the Court to consider the petition as a second or successive motion to vacate [Doc. 12 in civil case, 2:04-CV-139].

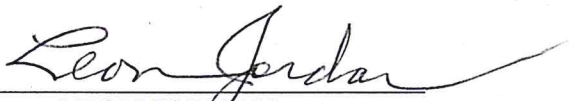
In accordance with the Antiterrorism and Effective Death Penalty Act of 1996, effective April 24, 1996, Petitioner cannot file a second or successive § 2255 motion in the district court until he has moved in the Sixth Circuit for an order authorizing the district court to consider the petition. 28 U.S.C. § 2255(h) (referencing 28 U.S.C. § 2244). This Court has not received an

order from the Sixth Circuit authorizing the Court to consider the instant expedited § 2255 motion.

Accordingly, the Clerk is **DIRECTED** to transfer this action to the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45 (6th Cir. 1997).

**SO ORDERED.**

**ENTER:**

  
LEON JORDAN  
UNITED STATES DISTRICT JUDGE